

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 404-521-9900

TEN 10TH STREET NW, SUITE 1050
ATLANTA, GA 30309-3848

Facsimile 404-521-9909

October 31, 2019

VIA EMAIL

Kerry Dodd, FOIA Officer
U.S. Army Corps of Engineers
Savannah District
CESAS-OC
Kerry.P.Dodd@usace.army.mil

Re: Freedom of Information Act Request: SAS-2018-00554

Dear Ms. Dodd,

Under the Freedom of Information Act, 5 U.S.C. § 552, the Southern Environmental Law Center requests **all documents in the possession or control of the U.S. Army Corps of Engineers Savannah District (the Corps) that relate to Twin Pines Minerals, LLC's proposed mine near the Okefenokee Swamp (permit number SAS-2018-00554). We seek all documents since July 12, 2019, excluding public comments.**

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic: materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of the Corps.

FOIA directs a responding agency to make a determination on any request within twenty working days of receipt. *See* 5 U.S.C. § 552(a)(6)(A)(i). FOIA requires the prompt release of responsive records and all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. §§ 552(a)(3)(A), 552(b). Should our requests be denied, we request that you inform us of the grounds for denial and the specific administrative appeal rights which are available. *See* 5 U.S.C. § 552(a)(6)(A)(i).

SELCL is requesting photocopies or electronic copies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." *Pederson v. Resolution Trust Corp.*, 847 F. Supp. 851, 855 (D. Colo. 1994).

SELCL is a 501(c)(3) non-profit organization with over 30 years of experience disseminating public information regarding Corps regulatory and operations issues. *See* 5 U.S.C.

§ 552 (a)(4)(A)(iii). SELC's website, www.southernenvironment.org, includes both general and topic-specific information regarding the matters with which SELC is involved as well as documents generated by SELC for the specific purpose of educating the public on particular issues. Lawyers at SELC are interviewed by the media to explain their work and its significance and speak at conferences on particular topics. SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of the risk of mining operations near the Okefenokee Swamp. SELC further certifies that disclosure of the information sought is not in our commercial interest.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$100.00. SELC reserves its right to appeal a fee waiver or reduction denial.

Thank you for your timely consideration of this request. If you have any questions regarding the above, please feel free to contact me at 404-521-9900 or bsherrier@selcga.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Sherrier', with a stylized flourish at the end.

Bob Sherrier
Associate Attorney